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U.S. DISTRICT COURT
N.D. OF ALABAMA

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN**

JAMES ANDERSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**CIVIL ACTION NO.:**
	)	
DOLLAR GENERAL CORPORATION a/k/a/ DOLGENCORP, LLC	)	
	)	
Defendant.	)	**JURY DEMAND**

COMPLAINT

I. INTRODUCTION

This is a suit authorized and instituted pursuant to the "Civil Rights Act of 1866," 42 U.S.C. § 1981. The jurisdiction of this Court is invoked to secure protection of and redress deprivation of rights secured 42 U.S.C. § 1981 providing for injunctive and other relief against race discrimination and retaliation.

II. JURISDICTION AND VENUE

1. Jurisdiction is invoked pursuant to 28 U.S.C. §§ 1331, 1343(a)(3), and 1343(a)(4).

2. A substantial part of the unlawful employment practices challenged in this action occurred in the Northern District of Alabama. Venue is proper pursuant to 28 U.S.C. § 1391(b).

III. ADMINISTRATIVE PREREQUISITES

3. Plaintiff's claims arising under 42 U.S.C. § 1981 do not require administrative exhaustion and are subject to 28 U.S.C. § 1658's four year statute of limitations.

IV. PARTIES

4. Plaintiff, James Anderson, (hereinafter "Anderson" or "Plaintiff"), is an African-American male citizen of the United States over the age of nineteen (19) years and has been at all times pertinent to the matters alleged herein a resident of the State of Alabama.

5. Defendant, Dollar General Corporation a/k/a Dolgencorp, LLC (hereinafter "Dollar General" or "Defendant"), is an entity subject to suit under 42 U.S.C. §1981. The Defendant does business in Jefferson County, Alabama.

V. STATEMENT OF FACTS

6. The Plaintiff realleges and incorporates by reference paragraphs 1-5 above with the same force and effect as if fully set out in specific detail hereinbelow.

7. The Plaintiff, James Anderson, is an African-American who was hired by the Defendant on March 5, 2012 as a General Warehouse Worker at its Bessemer, Alabama Distribution Center.

8. On or about July 24, 2013, Anderson was promoted to the position of Yard Jockey. As a Yard Jockey, Anderson was required to move trailers around the Distribution Center for loading and unloading. In addition to these duties, Anderson was required to maintain safety, quality, and productivity standards.

9. On or about February 4, 2016, Anderson made a complaint to the Defendant where he raised the issue of race discrimination in the assignment of job duties. Specifically, he complained that white Yard Jockeys were given assistance with the performance of their duties and responsibilities that he was denied.

10. Anderson's complaints were investigated, but the Defendant never took any corrective action regarding the issue.

11. On or about March 2, 2016, Anderson has an accident near the loading dock when a truck he was driving collided with another truck. Anderson was injured in this accident as was the other driver, a white male. Anderson was not at fault and a videotape of the incident made this fact clear, however, he was terminated on March 8, 2016, thirty-two days after he complained fo race discrimination in the terms and conditions of employment.

12. In 2015, the white male driver had a similar accident where an employee was injured; however, he was taken out of service for 60-days and then allowed to resume driving.

13. Anderson was subjected to harsher discipline than that received by the white driver and terminated in retaliation for reporting and opposing discrimination in employment. But for his complaint of discrimination on February 4, 2016, Anderson would not have been terminated.

VI. CAUSES OF ACTION

COUNT I

RACE DISCRIMINATION IN VIOLATION OF 42 U.S.C. § 1981

14. Plaintiff realleges paragraphs 1 through 13 above and incorporates them by reference as if fully set forth herein.

15. Plaintiff has been discriminated against and treated differently than similarly situated Caucasian employees solely because of his race, African-American, in violation of 42 U.S.C. § 1981. This treatment by the Defendant has affected the terms and conditions of Plaintiff's employment.

16. This reckless and willful discrimination on the part of the Defendant constitutes a violation of the plaintiffs' statutory rights pursuant to 42 U.S.C. § 1981.

17. As a further consequence and effect of the Defendant's unlawful conduct and practices, the Plaintiff was deprived of income and other compensation and benefits.

18. Plaintiff has suffered embarrassment, humiliation, mental distress and emotional pain and anguish as a consequence of the Defendant's racially discriminatory, demeaning and unlawful conduct.

19. Plaintiff has no plain, adequate, or complete remedy at law to redress the wrongs alleged herein and this suit, and an action for injunctive, declaratory, and other relief, including punitive and compensatory damages, is his only means of securing adequate relief.

20. As a result of the Defendant's actions, the Plaintiff has suffered and continues to suffer severe emotional distress, mental anguish, embarrassment, humiliation, inconvenience, and loss of enjoyment of life.

21. This reckless, malicious, and willful discrimination on the part of the Defendant constitutes a violation of the Plaintiff's statutory rights pursuant to 42 U.S.C. 1981.

COUNT II

RETALIATION IN VIOLATION OF 42 U.S.C. § 1981

22. Plaintiff realleges paragraphs 1 through 21 above and incorporates them by reference as if fully set forth herein.

23. The affect of the Defendant's retaliation as outlined above has deprived Plaintiff of his right to make and enforce contracts to the full and equal benefit of regulations and all laws and proceedings for the security of Plaintiff's employment, in violation of 42 U.S.C. §1981 and 1981(a).

24. Defendant's conduct has violated Plaintiff's right to make and enforce contracts as is enjoyed by similarly situated persons in violation of 42 U.S.C. § 1981 and 1981(a).

25. Plaintiff has been retaliated against with respect to termination and the terms and conditions of employment.

26. Plaintiff has been damaged by virtue of Defendant's conduct alleged in the foregoing paragraphs, and he is entitled to recover damages from Defendant.

27. As a result of Defendant's actions, Plaintiff has suffered extreme harm including, but not limited to, loss of compensation and other benefits and conditions of employment. Additionally, Plaintiff has suffered injury including pain, humiliation, mental anguish and suffering and loss of enjoyment of life.

28. The Defendant's retaliatory actions toward Anderson were reckless, malicious, and willful and in violation of his statutory rights pursuant to 42 U.S.C. 1981.

VII. **PRAYER FOR RELIEF:**

WHEREFORE, the Plaintiff respectfully prays that this Court assume jurisdiction of this action and after trial:

1. Issue a declaratory judgment that the employment policies, practices, procedures, conditions and customs of the Defendant are violative of the rights of the Plaintiff as secured by 42 U.S.C. § 1981 and 42 U.S.C § 1981a;

2. As a result of the Defendant's actions, the Plaintiff has suffered and is continuing to suffer injury including emotional pain, suffering, humiliation, inconvenience, mental anguish, loss of enjoyment of life, and other non pecuniary losses;

3. The Plaintiff seeks to redress the wrongs alleged herein, and this suit for equitable, compensatory, punitive and/or nominal damages, and injunctive and declaratory relief is his only means of securing adequate relief;

4. Grant Plaintiff a permanent injunction enjoining the Defendant, their agents, successors, employees, attorneys and those acting in concert with them and at their request from continuing to violate 42 U.S.C. § 1981;

5. Enter an Order requiring the Defendant to make the Plaintiff whole by reinstating him to the position he would have continued to occupy in the absence of discrimination and retaliation; and,

6. The Plaintiff further prays for such other relief and benefits as the cause of justice may require, including, but not limited to, back pay, front pay compensatory, nominal, and punitive damages an award of costs, pre-judgment interest and attorneys' fees and expenses.

PLAINTIFF HEREBY DEMANDS A JURY FOR ALL ISSUES TRIABLE BY JURY

Respectfully submitted,
/s/Roderick T. Cooks
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